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18           Attorneys for Plaintiffs

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20           **IN THE UNITED STATES DISTRICT COURT**  
21           **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
22           **(SAN FRANCISCO DIVISION)**

23           IN RE: BEXTRA AND CELEBREX           ) **MDL CASE NO.: 05-CV-1699**  
24           MARKETING SALES PRACTICES AND       )  
25           PRODUCT LIABILITY LITIGATION         )  
26           \_\_\_\_\_  
27           DUARTE, et al.,                          ) **CASE NO. CGC-06-449462**  
28    ) **MDL Case No. 06-2391 CRB**  
29           \_\_\_\_\_  
30           Plaintiffs,                                ) **STIPULATION AND ORDER OF**  
31    ) **DISMISSAL WITH PREJUDICE**  
32           vs.    ) **AS TO PLAINTIFF DONNA J. SHAFFER**  
33    )  
34           Pfizer, Inc., et al.                       )  
35    )  
36           Defendants.                                )  
37    )  
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41           COME NOW, Plaintiff DONNA J. SHAFFER and Defendants Pfizer, Inc., et al., by  
42           and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),  
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45           **STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**  
46           **AS TO PLAINTIFF DONNA J. SHAFFER**

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1 and hereby stipulate to the dismissal of Plaintiff DONNA J. SHAFFER from this action, with  
2 prejudice, each side bearing its own attorney's fees and costs.  
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4 Respectfully submitted,  
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6 Dated: September 24, 2009  
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KABATECK BROWN KELLNER LLP

8 By: \_\_\_\_\_  
9 Brian S. Kabateck, Esq.  
10 Attorneys for Plaintiff DONNA J. SHAFFER

11 Dated: October 27, 2009  
12

DLA PIPER LLP

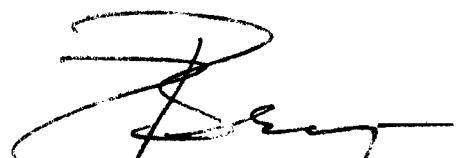
13 By: \_\_\_\_\_  
14 /S/  
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Matthew A. Holian  
16 Attorney for Defendants PFIZER, INC., et al.  
17

**ORDER**

18 PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS  
19 SO ORDERED.

20 Dated: OCT 29 2009  
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22 Honorable Charles R. Breyer  
United States District Court  
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